REMARKS

1.) Claim Amendments

The Applicant has amended claims 1, 2, 6, 9, 17, 18, 23, and 25-29; Applicant has cancelled claim 13. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-12 and 14-29 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 112 first paragraph

The Examiner objected to Claims 1-29 under 35 U.S.C. § 112 first paragraph as failing to comply with the enablement requirement in as much as the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make or use the invention.

The Examiner alleges that claims 1, 18, and 25 recite transmitting data packets that have been deleted or discarded. Once packets have been deleted or discarded, there is no support in the specification or claims enabling the transmission of the discarded or deleted data. By this response, claims 1, 18, and 25 have been amended to recite a reply message that comprises data packets to be deleted in the first radio access node. These features are supported at least in paragraphs 40-41 of the specification. Accordingly, Applicant respectfully requests that the rejection of claims 1-29 under 35 U.S.C. § 112 first paragraph be withdrawn.

3.) Claim Rejections – 35 U.S.C. § 112 second paragraph

Claims 1, 6-12, 15-16, 18-22, 25 and 28-29 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention.

The Examiner alleges that the phrase "may be" renders claims 6 and 28 indefinite. By this response, claims 6 and 28 are amended to replace the phrase "may be" with the term "is".

In addition, the Examiner alleges that the term "core node" renders claims 1, 6-8, 10, 12, 15-16, 18-22, 25 and 28 indefinite. By this response, claims 1, 18, and 25 are amended to recite "a serving GPRS support node (SGSN)" instead of a "core network node". Thus, the Applicant has corrected the deficiencies in claims 1, 18, and 25 and the Applicant respectfully submits that the rejection of claims 1, 6-12, 15-16, 18-22, 25 and 28-29 under 35 U.S.C. § 112, second paragraph be withdrawn.

4.) Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1-6, 8-16, 18, 20-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Landais, et al.* (US 2005/0007980 A1) in view of Muniere (US 2005/0096063 A1). This rejection is respectfully traversed.

Landais does not teach "sending a reply message from the first cell radio access node to the SGSN, wherein the reply message comprises at least one of the data packets to be deleted in the first cell radio access node." The Examiner alleges that Landais teaches these features in paragraphs 75-79. However, in paragraph 78, Landais merely teaches sending an acknowledgment of the receipt of the "FLUSH-LL" message from the old BSS to the SGSN. Landais does not teach that the message includes data packets to be deleted in the old BSS.

Muniere also does not teach "sending a reply message from the first cell radio access node to the SGSN, wherein the reply message comprises at least one of the data packets to be deleted in the first cell radio access node." The Examiner alleges that Muniere teaches these features in paragraphs 36-37. However, in paragraph 37, Muniere merely teaches that the old BSS sends a "FLUSH-LL-ACK PDU" message indicating that the data units have been deleted or transferred. Muniere does not teach that the reply message comprises the data packets to be deleted in the old BSS.

In addition, the Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the teachings of Muniere in Landais so that when a cell update message is received, the SGSN transmits a "FLUSH-LL PDU" message to the old BSS in order to either delete the LLC-PDU received or transfer the data units to the new BSS. However, neither Landais nor

Muniere teaches or suggests sending a reply message from the old BSS to the SGSN that comprises the data packets to be deleted in the old BSS. Landais only sends an acknowledgment of the receipt of FLUSH-LL message. Muniere only sends a message indicating whether the data units have been deleted or transferred. Therefore, one of ordinary skill would not have been led to modify the combination to send data packets to be deleted in the old BSS. Accordingly, Applicant respectfully requests the rejection of claims 1-6, 8-16, 18, 20-29 be withdrawn.

Claims 2-6, 8-12, 14-16, 20-24, 26-29 depend from amended claims 1, 18, and 25 and recite further limitations in combination with the novel elements of claims 1, 18, and 25. Therefore, the allowance of claims 1-6, 8-12, 14-16, 18, 20-29 is respectfully requested.

Claims 7 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Landais in view of Muniere, and further in view of Kalliokulju, et al (US 2001/0017850 A1).

Kalliokulju also does not teach "sending a reply message from the first cell radio access node to the SGSN, wherein the reply message comprises at least one of the data packets to be deleted in the first cell radio access node." Kalliokulju merely teaches, in paragraphs 43, a PDCP-PDU sequence number that is attached to the data packet. Kalliokulju does not teach sending a reply message comprising data packets to be deleted. Thus, one of ordinary skill in the art would not have been led to modify the teachings of Landais, Muniere, and Kalliokulju to reach the features of claims 1 and 18, from which claims 7 and 19 depend.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Landais in view of Muniere, and further in view of Haumont, et al (US 2001/0012279 A1).

Haumont also does not teach "sending a reply message from the first cell radio access node to the SGSN, wherein the reply message comprises at least one of the data packets to be deleted in the first cell radio access node." Haumont merely teaches, in paragraph 80, that the base station transmits acknowledgement to the base station controller and/or SGSN confirming that the packet has been correctly received.

Haumont does not teach that the acknowledgment comprises the data packets to be deleted in the base station. Therefore, one of ordinary skill in the art would not have been led to modify the teachings of Landais, Muniere, and Haumont to reach the features of claims 1, from which claim 17 depends.
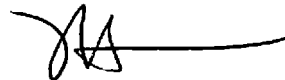
Accordingly, Applicant respectfully requests that the rejections of claims 1-12 and 14-29 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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